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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,533	03/30/2001	Toshimichi Minowa	381AS/44307C1	4156

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EXAMINER

TRAN, DALENA

ART UNIT PAPER NUMBER

3661

DATE MAILED: 03/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/820,533

Applicant(s)

OCHI ET AL.

Examiner

DALENA TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This office action is responsive to the amendment filed on 1/7/02. As per request, claim 16 has been amended. Thus, claims 16-29 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 22, as understood by examiner, is rejected under 35 U.S.C.102(b) as being anticipated by Ibamoto et al. (5,508,923).

As per claim 22, Ibamoto et al. disclose first target value of a driving shaft torque of the vehicle of a first running mode and second target value of a driving shaft torque of the vehicle of a second running mode (see the abstract; and columns 1-3, lines 42-25), and if a difference between the first and second target value exceeds a predetermined value, the target value is controlled to be gradually approached to second target value (see columns 8-10, lines 26-45).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-17, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Saur et al. (5,663,880) in view of Wantanabe et al. (4,720,793).

As per claim 16, Saur et al. disclose a method of controlling a vehicle, a driving force of a first running mode according to a first target value determined from an accelerator pedal position (see the abstract), and a driving force of a second running mode according to a second target value determined from an environmental operating conditions ahead of vehicle (see column 4, lines 13-36; and columns 5-6, lines 65-67). Wantanabe et al. disclose if a difference between the driving force of a first running mode and the driving force of a second running mode exceeds a predetermined value, the driving force of the vehicle is controlled to be gradually approached to driving force of a second running mode (see the abstract; columns 2-3, lines 28-43; and columns 7-9, lines 16-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Saur et al. by mention if a difference between the driving force of a first running mode and the driving force of a second running mode exceeds a predetermined value, the driving force of the vehicle is controlled to be gradually approached to driving force of a second running mode for controlling the output torque of an automatic transmission, in accordance with the road situations of a route to be followed by the vehicle.

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As per claim 17, Watannbe et al. disclose control driving force of the second running mode by controlling an air / fuel ratio of an engine of vehicle (see column 4, lines 16-28; and columns 5-6, lines 35-32).

6. Claim 18, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Saur et al. (5,663,880) in view of Minowa et al. (5,752,214).

As per claim 18, Saur et al. disclose an acceleration / deceleration rate of a first running mode according to a first target value determined from an accelerator pedal position (see columns 4-5, lines 37-28), and acceleration / deceleration rate of a second running mode according to a second target value determined from an environmental operating conditions ahead of vehicle (see columns 7-8, lines 1-45). Minowa et al. disclose acceleration / deceleration rate of the vehicle is controlled to be gradually approached to acceleration / deceleration rate of a second running mode (see the abstract; columns 3-4, lines 10-8; and columns 6-7, lines 38-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Saur et al. by mention acceleration / deceleration rate of the vehicle is controlled to be gradually approached to acceleration / deceleration rate of a second running mode for efficiently controlling an engine power train in accordance with information of the traveling condition, to realize an acceleration or deceleration requested by a driver.

7. Claim 19, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Saur et al. (5,663,880), and Minowa et al. (5,752,214) as applied to claim 18, and further in view of Onari et al. (4,899,280).

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As per claim 19, Onari et al. disclose control the acceleration / deceleration rate of the second running mode by controlling an air / fuel ratio of an engine of vehicle (see columns 1-2, lines 36-36; columns 3-4, lines 30-43; and columns 6-7, lines 29-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Saur et al., and Minowa et al. by mention control the acceleration / deceleration rate of the second running mode by controlling an air / fuel ratio of an engine of vehicle for adaptive correction in accordance with environment variations of the vehicle, or more in particular to an adaptive control system suitably capable of controlling the engine under different control conditions and under the transitions among the control conditions.

8. Claim 20, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Nakamura (5,758,306) in view of Ibamoto et al. (5,508,923).

As per claim 20, Nakamura disclose a driving shaft torque of the vehicle of a first running mode according to a first target value determined from an accelerator pedal position, and driving shaft torque of a second running mode according to a second target value determined from an environmental operating conditions ahead of vehicle (see columns 2-3, lines 13-19; and columns 8-10, lines 20-27). Ibamoto et al. disclose if a difference between the driving shaft torque of a first running mode and the driving shaft torque of a second running mode exceeds a predetermined value, the driving shaft torque of the vehicle is controlled to be gradually approached to driving shaft torque of a second running mode (see columns 7-8, lines 25-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify the teach of Nakamura by mention if a difference between the driving shaft torque of a first running mode and the driving shaft torque of a second running mode exceeds a predetermined value, the driving shaft torque of the vehicle is controlled to be gradually approached to driving shaft torque of a second running mode for providing the acceleration which satisfies the driver's require.

9. Claims 21, and 23, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Nakamura (5,758,306), and Ibamoto et al. (5,508,923) as applied to claims 20, and 22 above, and further in view of Wantanabe et al. (4,720,793).

As per claims 21 and 23, Watannbe et al. disclose control the driving shaft torque, and the target value of the second running mode by controlling an air / fuel ratio of an engine of vehicle (see columns 9-10, lines 19-60; and columns 12-14, lines 65-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nakamura, and Ibamoto et al. by mention control the driving shaft torque, and the target value of the second running mode by controlling an air / fuel ratio of an engine of vehicle for improving drivability of a vehicle.

10. Claims 24-29 are apparatus claims corresponding to method claims 18-23 above.

Therefore, they are rejected for the same rationales set forth as above.

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**Remarks**

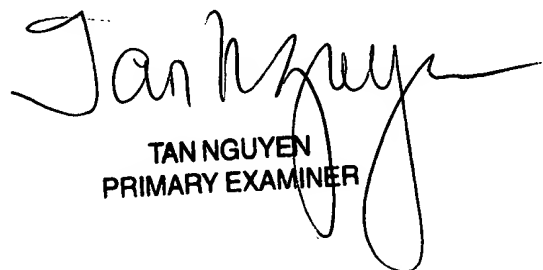
11. Applicant's argument files on 1/7/02 have been fully considered and they are deemed to be persuasive. However, upon updated search and the amended claims, the new ground of rejection has been set forth as above.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is (703)308-8223. The examiner can normally be reached on Monday-Friday from 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

/dt  
March 20, 2002

  
TAN NGUYEN  
PRIMARY EXAMINER